



August 27, 1996

Mr. Ivan Bender and Ms. Lisa Livingston
Co-Chairs, Educational Multimedia
Fair Use Guideline Development Committee

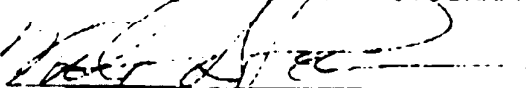
Dear Mr. Bender and Ms. Livingston:

For the past eighteen months or so my association has met with you and other organizations representing educators and copyright owners for the purpose of creating fair use guidelines for educational multimedia. These guidelines are designed to be used by educators and students when they create their own multimedia projects. As you know, ASMP (the American Society of Media Photographers) is a not-for-profit trade association representing over 5,000 of the country's leading professional photographers whose works appear primarily in publications in various media.

Since both the Copyright Act of 1976 and the courts have left fair use to be determined on the basis of a case by case analysis, the existence of workable guidelines is vital for both the owners and users of copyrighted works. The creation of any guidelines involves a series of compromises, and the process of forging these guidelines has taken place in an environment of both hard work and cooperation. ASMP feels that these guidelines are an extremely positive development in that they provide clear ground rules for both rights holders and rights users in an environment and technology that are just beginning to emerge. These guidelines should make day-to-day operations simpler and easier for teachers, administrators, students and photographers. They should also serve to avoid unnecessary litigation.

We appreciate having the opportunity of being part of the negotiating committee and are pleased to be able to add our association's name to the list of other organizations that formally approve of these fair use guidelines for educational multimedia, with the understanding that you will be seeking Congressional approval of them and not recommending any amendment to the Copyright Act, itself.

Very truly yours,
AMERICAN SOCIETY OF MEDIA PHOTOGRAPHERS

By 
VICTOR S. PERLMAN,
General Counsel and Managing Director

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